

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

March 6, 2018

Dear Senators:

Disability Rights Nebraska is the designated Protection and Advocacy organization for persons with disabilities in Nebraska. Given the rise in student disciplinary actions leading to arrest or involvement by law enforcement, and the disproportionate rates of students with disabilities being disciplined for activities that would otherwise be handled internally by school staff, we fully support LB 1081.

The Civil Rights Data Collection (CRDC) database administered by the U.S. Department of Education highlights the disproportionate referrals to law enforcement for minority students and students with disabilities<sup>1</sup>:

“While black students represent 16% of student enrollment, they represent 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest. In comparison, white students represent 51% of enrollment, 41% of students referred to law enforcement, and 39% of those arrested. Students with disabilities (served by IDEA) represent a quarter of students arrested and referred to law enforcement, even though they are only 12% of the overall student population.”

Furthermore, data indicates that students are more often disciplined for minor infractions, not unlawful or dangerous behavior<sup>2</sup>.

We support LB 1081’s charge that schools and county attorneys collaborate and have a common understanding of school board discipline policies, practice, and

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<sup>1</sup> Civil Rights Data Collection Data Snapshot: School Discipline Issue Brief No. 1 (March 2014), available at <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>

<sup>2</sup> Losen, D., Hodson, C., Keith II, M., Morrison, K. K., & Belway, S. (2015). “Are We Closing The School Discipline Gap?” University of California. Los Angeles. available at [https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap\\_FINAL221.pdf](https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf)

process, and when it would be appropriate to contact law enforcement for violations (page 3, lines 23-29) as that will help clarify each institution's roles and responsibilities when students violate student conduct policies.

Disability Rights Nebraska recommends LB 1081 be advanced.